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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

ROBERT STILLWELL, FUTURELINK CORP.,  
SDP ELECTRONICS, INC., ELECTRONICS  
MARKETING CORP.,

Plaintiffs,

v.

RADIOSHACK CORP.,

Defendant.

Civil No. 07cv607 JM (CAB)

**ORDER DENYING WITHOUT  
PREJUDICE PLAINTIFFS' MOTION TO  
COMPEL PRODUCTION OF  
DOCUMENTS**  
[Doc. No. 48.]

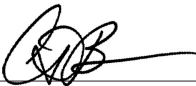
17 On February 9, 2009, Plaintiffs moved to compel the production of documents. The Local Rules  
18 require counsel to have previously met and conferred concerning all disputed issues prior to filing a  
19 discovery motion. CivLR 26.1. The purpose of the meet and confer requirement is to reduce the cost  
20 and delay associated with litigation. *See* CivLR 16.5(k). If counsel have offices in the same county,  
21 they must meet in person. If counsel have offices in different counties, they may confer by telephone.  
22 **“Under no circumstances may the parties satisfy the meet and confer requirement by exchanging**  
23 **written correspondence.”** CivLR 26.1 (emphasis added).

24 Pursuant to chambers' rules for civil discovery disputes, Plaintiffs submitted a declaration  
25 detailing the attempts by counsel to informally resolve the dispute through the meet and confer process.  
26 The declaration reveals Plaintiffs' only attempt to “meet” and “confer” with Defendant was to send  
27 Defendant a letter. (*See* Decl. of Diana Donabedian at ¶¶ 6-7.) Accordingly, Plaintiffs' motion is  
28 **DENIED without prejudice** for failure to comply with Local Rule 26.1. The Court encourages the

1 parties to engage in a meaningful, in person meet and confer on any outstanding discovery issues in the  
2 hopes of avoiding further motion practice. In the event a meet and confer between the parties is unable  
3 to resolve the current discovery dispute, the Court shall retain the papers already submitted by Plaintiffs  
4 and set a briefing schedule for Defendant to file an opposition.

5 **IT IS SO ORDERED.**

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7 DATED: February 10, 2009

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10 **CATHY ANN BENCIVENGO**  
11 United States Magistrate Judge  
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